

Message Text

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ACTION AF-10

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A
TAGS: PINT, SHUM, SF
SUBJECT: PRETORIA ANC TRIAL: SIX GUILTY, SIX FREED

REF: PRETORIA 1897 AND PREVIOUS

1. AFTER READING FINAL JUDGMENT ON APRIL 5 AT
PRETORIA'S ANC TRIAL, JUSTICE MYBURGH FOUND SIX OF THE
ACCUSED GUILTY AND SIX INNOCENT AS CHARGED UNDER THE
TERRORISM ACT AND INTERNAL SECURITY ACT. THE SIX FOUND
GUILTY WERE MOSIMA GABRIEL SEXWALE; NALEDI TSIKI; LELE
JACOB MOTAUNG; SIMON SAMUEL MOHLANYANENG; MARTIN MAFEFO RAMOGADI;
AND JACOB GAONAKALA SEATLHOLO. THE SIX ACCUSED FOUND NOT
GUILTY WERE ELIAS TIEHO MASINGA; JOE NZINGO GQABI;
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PETRUS MAMPOGOANE NCHABELENG; NELSON LETSABA DIALE;
MICHAEL MPANDENI NGUBENI; AND MISS PAULINA MAMAGOTLA MOHALE.
AFTER THE SIX WERE FREED, MYBURGH ADJOURNED COURT UNTIL APRIL 6
TO HEAR ARGUMENT IN MITIGATION OF SENTENCE.

2. EMBOFF RETURNED TO COURT APRIL 6 AND NOTED THAT SECURITY
WAS NOT AS TIGHT AS PREVIOUS DAY ALTHOUGH POLICE AGAIN

MAINTAINED STRONG SHOW OF FORCE WITH MACHINE PISTOLS, DOGS, AND EXTRA POLICEMEN AT THE READY. MEN WERE FRISKED AND WOMEN HAD HANDBAGS SEARCHED UPON ENTERING GALLERY. GALLERY, AGAIN FULL, WAS ABOUT 80 PERCENT BLACK WITH MEN AND WOMEN OF ALL AGES.

3. DURING MORNING SESSION, COURT HEARD STATEMENTS BY SEXWALE, TSIKI, AND RAMOKGADI. SEXWALE (24), FIRST TO SPEAK, TOLD COURT WHAT LIFE WAS LIKE FOR HIM AS A BLACK CHILD IN SOUTH AFRICA AND WHAT LED HIM TO JOIN THE AFRICAN NATIONAL CONGRESS (ANC). IN FIRM AND STEADY VOICE, SEXWALE READ FROM HIS EIGHT PAGE AUTO-BIOGRAPHICAL STATEMENT WHICH DESCRIBED THE EFFECTS OF THE POVERTY, THE STARK CONTRAST IN BLACK AND WHITE LIFE STYLES, THE HUNGER, AND THE HUMILIATION OF HIMSELF AND HIS PARENTS AS HE GREW UP IN SOUTH AFRICA. FINAL PORTION OF SEXWALE STATEMENT READ AS FOLLOWS: "I APPRECIATE THE SERIOUSNESS OF MY ACTIONS AND ACCEPT WHATEVER SENTENCE MAY BE IMPOSED ON ME. THAT IS THE SACRIFICE WHICH I MUST MAKE AND AM WILLING TO MAKE FOR MY IDEALS. THERE IS NO DOUBT IN MY MIND, THAT THESE IDEALS WILL TRIUMPH: THE TRAGEDY IS THAT IT SEEMS POSSIBLE THAT THERE WILL BE CONTINUED CONFLICT AND RESULTANT BITTERNESS, BEFORE THOSE IDEALS ARE ACHIEVED. AS I LOOK BACK, I CANNOT HONESTLY SAY THAT I BELIEVE THE DECISIONS I TOOK, WHICH LED ME TO THIS POSITION, WERE WRONG: WHAT I REGRET MOST, WAS THAT IT WAS NECESSARY AND INEVITABLE THAT THOSE DECISIONS HAD TO BE TAKEN." (FULL TEXT OF STATEMENT FOLLOWS SEPAIR.)

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4. AFTER SEXWALE, TSIKI (21), READ SIMILAR STATEMENT BEFORE COURT. RAMOKGADI (68), FOLLOWED TSIKI IN BRIEF ADDRESS IN WHICH HE TOLD JUSTICE MYBURGH THAT NO MATTER WHAT SENTENCE IS IMPOSED, HE (RAMOKGADI) DOES NOT BLAME EITHER HIS DETAINED FRIENDS WHO HAD TESTIFIED AGAINST HIM OR JUSTICE MYBURGH HIMSELF. RAMOKGADI RECALLED LOSING HIS FREEHOLD RIGHTS TO LAND SEVERAL DECADES AGO AND SAID HIS GRIEVANCES ARE AGAINST THE NATIONALIST GOVERNMENT, NOT WHITE PEOPLE. RAMOKGADI'S FINAL WORDS WERE "RIGHT SHALL PREVAIL."

5. DEFENSE CALLED BISHOP DESMOND TUTU, FORMER ANGLICAN DEAN OF JOHANNESBURG AND CURRENT GENERAL-SECRETARY OF THE SOUTH AFRICAN COUNCIL OF CHURCHES. TUTU SAID THAT FROM HIS EXPERIENCE, THE SENTIMENTS EXPRESSED BY SEXWALE AND TSIKI WERE NOT EXCEPTIONAL AND ENUMERATED THOSE GRIEVANCES COMMONLY HELD AMONG BLACK YOUTH TODAY AS THEIR LIVING CONDITIONS, WORKING CONDITIONS, SCHOOL SYSTEM, PASS SYSTEM, INTERRUPTION OF FAMILY LIFE, ROLE OF WHITE IMMIGRANTS, AND POVERTY. UNDER CROSS-EXAMINATION, STATE ASKED BISHOP ABOUT CONDITIONS IN OTHER AFRICAN STATES AND QUESTIONED HIM ABOUT CHANGE IN SOUTH AFRICA.

6. AT NEXT STAGE, STATE ASKED COURT TO IMPOSE THE DEATH

SENTENCE ON ALL SIX REMAINING MEN AND BRIEFLY ARGUED POINT.
REMAINDER OF APRIL 6 SESSION CONSISTED OF LENGTHY ARGUMENT
AGAINST DEATH PENALTY BY DEFENSE ADVOCATES. ADVOCATE CHASKALSON
POINTED OUT THAT NO COURT HAS EVER IMPOSED THE DEATH SENTENCE IN A
TERRORISM ACT CASE WHICH DID NOT INVOLVE A MURDER CHARGE AND
ADVOCATE KUNY BROUGHT THE COURT'S ATTENTION TO THE AGE OF
RAMOKGADI (68) WHO HAS ALREADY SERVED TEN YEARS ON ROBBER
ISLAND. MYBURGH SAID HE WILL SENTENCE SIX AT 1000 APRIL 7.

7. DECONTROL UPON RECEIPT.
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